

**Introduced by Senator Wolk**

February 18, 2011

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An act to amend Sections 112875, 112876, 112891, and 112895 of, to amend and repeal Section 112877 of, and to add Sections 112876.5 and 112894 to, the Health and Safety Code, and to amend Section 1 of Chapter 694 of the Statutes of 2008, relating to food.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 818, as introduced, Wolk. Food labeling: olive oil.

Existing law requires the State Department of Public Health to enforce various provisions of existing law regarding the manufacture, blending, production, and sale of olive oil. Existing law makes the violation of these provisions a crime. Existing law defines olive oil to mean the edible oil obtained solely from the fruit of the olive tree to the exclusion of oils obtained using solvents or reesterification processes and of any mixture with oils derived of other kinds except in the making of flavored olive oil. Existing law also defines olive oil grades and provides that olive oil grades are to be in a specified order.

This bill would revise the definitions of olive oil and grades of olive oil and olive-pomace oil, as specified. It would require lampante virgin olive oil and crude olive-pomace oil to be refined before consumption. By changing the definition of a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 112875 of the Health and Safety Code  
2 is amended to read:

3 112875. “Olive oil,” as used in this chapter means the edible  
4 oil obtained solely from the fruit of the olive tree (~~olea~~ *Olea*  
5 *europaea* L.) to the exclusion of oils obtained using solvents or  
6 reesterification processes and of any mixture with oils ~~derived~~ of  
7 other kinds except in the making of flavored olive oil, *as defined*  
8 *in Section 112878.*

9 SEC. 2. Section 112876 of the Health and Safety Code is  
10 amended to read:

11 112876. ~~Olive~~ *The hierarchy for virgin olive oil grades shall*  
12 *be, from highest to lowest, extra-virgin olive oil, virgin olive oil,*  
13 *and virgin olive oil not fit for human consumption, sometimes*  
14 *known as lampante virgin olive oil, which shall be the lowest level*  
15 *of quality among the virgin olive oils. In terms of hierarchy, olive*  
16 *oil and refined olive oil shall fall below the virgin olive oil*  
17 *category. Olive oil grades shall be in the following order of quality*  
18 *categories:*

19 (a) Virgin olive oils.

20 (1) Extra virgin olive oil.

21 (2) Virgin olive oil.

22 (3) ~~Ordinary virgin olive oil~~ *Virgin olive oil not fit for human*  
23 *consumption without further processing, sometimes known as*  
24 *lampante virgin olive oil.*

25 (b) Olive oil.

26 (c) Refined olive oil.

27 ~~(d) Olive-pomace oils.~~

28 ~~(1) Olive-pomace oil.~~

29 ~~(2) Refined olive-pomace oil.~~

30 ~~(3) Crude olive-pomace oil.~~

31 SEC. 3. Section 112876.5 is added to the Health and Safety  
32 Code, to read:

33 112876.5. The hierarchy for olive-pomace oil grades shall be,  
34 from highest to lowest, olive-pomace oil, refined olive-pomace  
35 oil, and crude olive-pomace oil, which is the lowest level of quality

1 among the olive-pomace oils. Olive-pomace oil grades shall be in  
2 the following categories:

- 3 (a) Olive-pomace oil.
- 4 (b) Refined olive-pomace oil.
- 5 (c) Crude olive-pomace oil.

6 SEC. 4. Section 112877 of the Health and Safety Code, as  
7 amended by Section 120 of Chapter 140 of the Statutes of 2009,  
8 is repealed.

9 ~~112877. Olive oil grades are defined as follows:~~

10 ~~(a) “Virgin olive oils” means those oils fit for consumption as~~  
11 ~~they are, obtained from the fruit of the olive tree solely by~~  
12 ~~mechanical or other physical means under conditions, particularly~~  
13 ~~thermal conditions, that do not lead to alterations in the oil, and~~  
14 ~~which have not undergone any treatment other than washing,~~  
15 ~~decanting, centrifuging, and filtration. Virgin olive oils fit for~~  
16 ~~consumption as they are include:~~

17 ~~(1) “Extra virgin olive oil” means virgin olive oil which has a~~  
18 ~~free acidity, expressed as oleic acid, of not more than 0.8 grams~~  
19 ~~per 100 grams oil, has a peroxide value of not more than 20~~  
20 ~~milliequivalent peroxide oxygen per kilogram oil and meets the~~  
21 ~~sensory standards of extra virgin olive oil as determined by a taste~~  
22 ~~panel certified by the International Olive Council, or, if the~~  
23 ~~International Olive Council ceases to certify taste panels, meets~~  
24 ~~the sensory standards of a taste panel that is operated by the~~  
25 ~~University of California or California State University according~~  
26 ~~to guidelines adopted by the International Olive Council as of~~  
27 ~~2007.~~

28 ~~(2) “Virgin olive oil” means virgin olive oil which has a free~~  
29 ~~acidity, expressed as oleic acid, of not more than 2 grams per 100~~  
30 ~~grams oil and has a peroxide value of not more than 20~~  
31 ~~milliequivalent peroxide oxygen per kilogram oil.~~

32 ~~(3) “Ordinary virgin olive oil” means virgin olive oil which has~~  
33 ~~a free acidity, expressed as oleic acid, of not more than 3.3 grams~~  
34 ~~per 100 grams oil and has a peroxide value of not more than 20~~  
35 ~~milliequivalent peroxide oxygen per kilogram oil.~~

36 ~~(b) “Olive oil” is the oil consisting of a blend of refined olive~~  
37 ~~oil and virgin olive oils fit for consumption as they are as defined~~  
38 ~~in this section. It has a free acidity, expressed as oleic acid, of not~~  
39 ~~more than 1 gram per 100 grams oil.~~

(e) “Refined olive oil” means the olive oil obtained from virgin olive oils by refining methods which do not lead to alterations in the initial glyceridic structure. It has a free acidity, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil.

(d) “Olive-pomace oils” means oils obtained by treating olive pomace with solvents or other physical treatments, to the exclusion of oils obtained by reesterification processes and of any mixture with oils of other kinds. They shall be labeled and marketed with the following designations and definitions:

(1) “Olive-pomace oil” is the oil comprising the blend of refined olive-pomace oil and virgin olive oils fit for consumption as they are. It has a free acidity, expressed as oleic acid, of not more than 1 gram per 100 grams oil. In no case shall this blend be called or labeled “olive oil.”

(2) “Refined olive-pomace oil” is the oil obtained from crude olive-pomace oil by refining methods which do not lead to alterations in the initial glyceridic structure. It has a free acidity, expressed as oleic acid, of not more than 0.3 grams per 100 grams oil.

(3) “Crude olive-pomace oil” means olive-pomace oil that is intended for refining for use for human consumption or that is intended for technical use.

SEC. 5. Section 112877 of the Health and Safety Code, as amended by Section 121 of Chapter 140 of the Statutes of 2009, is amended to read:

112877. Olive oil grades are defined as follows:

(a) “Virgin olive oils” means ~~those~~ *the* oils ~~fit for consumption as they are~~, obtained from the fruit of the olive tree solely by mechanical or other physical means under conditions, ~~particularly including~~ thermal conditions, that do not lead to alterations in the oil, and ~~which~~ *that* have not undergone any treatment other than washing, decanting, centrifuging, and filtration. Virgin olive oils ~~fit for consumption as they are~~ *without further processing* include:

(1) “Extra virgin olive oil” means virgin olive oil ~~which~~ *that* has *excellent flavor and odor expressed as a median of defects equal to zero and a median of fruitiness greater than zero*, has a free ~~acidity~~ *fatty acid content*, expressed as oleic acid, of not more than 0.8 grams per 100 grams oil, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil and ~~would meet the sensory standards of extra virgin olive oil as~~

determined by a taste panel certified by the International Olive Council, or, if the International Olive Council ceases to certify taste panels, would meet the sensory standards of a taste panel that is operated by the University of California or California State University according to guidelines adopted by the International Olive Council as of 2007 meets the additional requirements for “United States Extra Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that take effect on October 25, 2010.

(2) “Virgin olive oil” means virgin olive oil ~~which~~ that has a reasonably good flavor and odor expressed as a median of defects between zero and 2.5 and a median of fruitiness greater than zero, has a free ~~acidity~~ fatty acid content, expressed as oleic acid, of not more than 2 grams per 100 grams oil ~~and~~, has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil, and meets the additional requirements for “United States Virgin Olive Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that take effect on October 25, 2010.

~~(3) “Ordinary virgin olive oil” means virgin olive oil which has a free acidity, expressed as oleic acid, of not more than 3.3 grams per 100 grams oil and has a peroxide value of not more than 20 milliequivalent peroxide oxygen per kilogram oil.~~

(3) “Virgin olive oil not fit for human consumption without further processing,” sometimes known as “lampante virgin olive oil,” is virgin olive oil which has poor flavor and odor expressed as a median of defects between 2.5 and 6.0 or when the median of defects is less than or equal to 2.5 and the median of fruitiness is zero, has a free fatty acid content, expressed as oleic acid, of more than 2 grams per 100 grams, and meets the additional requirements of the “United States Virgin Olive Oil Not Fit For Human Consumption Without Further Processing” as outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that take effect on October 25, 2010. This grade of olive oil is intended for refining or for purposes other than food use.

(b) “Olive oil” is the oil consisting of a blend of refined olive oil and virgin olive oils fit for consumption ~~as they are as defined in this section~~ without further processing. It has a free ~~acidity~~ fatty

1 *acid content*, expressed as oleic acid, of not more than 1 gram per  
2 100 grams oil *and meets the additional requirements for “United*  
3 *States Olive Oil” described in the United States Standards for*  
4 *Grades of Olive Oil and Olive-Pomace Oil published in the Federal*  
5 *Register that take effect on October 25, 2010.*

6 (c) “Refined olive oil” means the olive oil obtained from virgin  
7 olive oils by refining methods ~~which~~ *that* do not lead to alterations  
8 in the initial glyceridic structure (*basic glycerin-fatty acid content*).  
9 It has a ~~free-acidity~~ *fatty acid content*, expressed as oleic acid, of  
10 not more than 0.3 grams per 100 grams oil, *and meets the*  
11 *additional requirements for “United States Refined Olive Oil”*  
12 *described in the United States Standards for Grades of Olive Oil*  
13 *and Olive-Pomace Oil published in the Federal Register that take*  
14 *effect on October 25, 2010.*

15 (d) “Olive-pomace ~~oils~~ oil” means ~~oils~~ oil obtained by treating  
16 olive pomace, *which is the product that remains after the*  
17 *mechanical extraction of olive oil*, with solvents or other physical  
18 treatments, to the exclusion of oils obtained by ~~reesterification~~  
19 *synthetic processes and of any* a mixture with oils of other kinds.  
20 ~~They~~ Olive-pomace oils shall be labeled and marketed with the  
21 following designations and definitions:

22 (1) “Olive-pomace oil” is the oil comprising the blend of refined  
23 olive-pomace oil and virgin olive oils fit for consumption ~~as they~~  
24 ~~are~~ *without further processing*. It has a ~~free-acidity~~ *fatty acid*  
25 *content*, expressed as oleic acid, of not more than 1 gram per 100  
26 grams oil, *and meets the additional requirements for “United*  
27 *States Olive-Pomace Oil” outlined in the United States Standards*  
28 *for Grades of Olive Oil and Olive-Pomace Oil published in the*  
29 *Federal Register that take effect on October 25, 2010.* ~~In no case~~  
30 ~~shall this blend be called or labeled “olive oil.”~~

31 (2) “Refined olive-pomace oil” is the oil obtained from crude  
32 olive-pomace oil by refining methods ~~which~~ *that* do not lead to  
33 alterations in the initial glyceridic structure. It has a ~~free-acidity~~  
34 *fatty acid content*, expressed as oleic acid, of not more than 0.3  
35 grams per 100 grams oil, *and meets the additional requirements*  
36 *for “United States Refined Olive-pomace Oil” outlined in the*  
37 *United States Standards for Grades of Olive Oil and Olive-Pomace*  
38 *Oil published in the Federal Register that take effect on October*  
39 *25, 2010.*

(3) “Crude olive-pomace oil” means olive-pomace oil that is intended for refining for use for human consumption or that is intended for technical use *and that meets the requirements for “United States Crude Olive-Pomace Oil” outlined in the United States Standards for Grades of Olive Oil and Olive-Pomace Oil published in the Federal Register that take effect on October 25, 2010.*

SEC. 6. Section 112891 of the Health and Safety Code is amended to read:

112891. Any olive oil *and olive-pomace oil* labeled for sale shall be consistent with this chapter.

SEC. 7. Section 112894 is added to the Health and Safety Code, to read:

112894. Virgin olive oil not fit for human consumption, sometimes known as lampante virgin olive oil, shall be refined before consumption.

SEC. 8. Section 112895 of the Health and Safety Code is amended to read:

112895. (a) It is unlawful to manufacture, sell, offer for sale, give away, or to possess imitation olive oil in California.

(b) This section does not prohibit the blending of olive oil with other edible oils, if the blend is not labeled as olive oil or imitation olive oil, is clearly labeled as a blended vegetable oil, and if the contents and proportions of the blend are prominently displayed on the container’s label, or if the oil is a flavored olive oil.

(c) Any olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label “California Olive Oil,” or uses words of similar import that indicate that California is the source of the oil, shall be made of oil derived solely from olives grown in California.

(d) Any olive oil produced, processed, sold, offered for sale, given away, or possessed in California, that indicates on its label that it is from an area that is one of the approved American Viticultural Areas as set forth in Part 9 (commencing with Sec. 9.1) of Title 27 of the Code of Federal Regulations shall be made of oil 75 percent of which is derived solely from olives grown in that approved American Viticultural Area.

(e) *Olive-pomace oil shall not be labeled as olive oil.*

SEC. 9. Section 1 of Chapter 694 of the Statutes of 2008 is amended to read:

1 Section 1. The Legislature hereby finds and declares all of the  
2 following:

3 (a) Extra virgin olive oil has been shown by numerous scientific  
4 studies to be associated with fighting cardiovascular disease and  
5 providing other health benefits.

6 (b) California grows and processes more than 99 percent of the  
7 extra virgin olive oil produced in the United States, and more than  
8 90 percent of California olive oil meets the international standards  
9 for top-grade “extra virgin” as established by the International  
10 Olive Council.

11 (c) The quality of California olive oil is comparable to other  
12 producers internationally.

13 (d) It is the intent of the Legislature that California’s definitions  
14 of olive oil be consistent with ~~international~~ *federal standards that*  
15 *have been revised to reflect international standards.*

16 SEC. 10. No reimbursement is required by this act pursuant to  
17 Section 6 of Article XIII B of the California Constitution because  
18 the only costs that may be incurred by a local agency or school  
19 district will be incurred because this act creates a new crime or  
20 infraction, eliminates a crime or infraction, or changes the penalty  
21 for a crime or infraction, within the meaning of Section 17556 of  
22 the Government Code, or changes the definition of a crime within  
23 the meaning of Section 6 of Article XIII B of the California  
24 Constitution.